AO 247 (Rev. 11/11)   Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)   Page 1 of 2 (Page 2 Not for Public Disclosure)

UNITED STATES DISTRICT COURT
for the

District of Nebraska

United States of America)
v.)
Johntaye Terrell)
) Case No: **8:02CR207**
) USM No: **82408-008**
Date of Original Judgment: **06/01/2005**)
Date of Previous Amended Judgment: _____) **Jeffrey L. Thomas**
(Use Date of Last Amended Judgment if Any)   *Defendant's Attorney*

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☑ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C.
§ 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has
subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C.
§ 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10
and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:
☐DENIED.   ☑GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in*
the last judgment issued) of   **151**   months **is reduced to**   **130 months**   .

(Complete Parts I and II of Page 2 when motion is granted)

When the defendant was originally sentenced, I found that he was responsible for more than 150 grams of crack but less than 500 grams of crack.   I had no need then to be more precise. The government, by virtue of its most recent stipulation, evidently agrees that the defendant was responsible for at least 196 grams of crack but less than 280 grams of crack and thus a base offense level of 30 is appropriate. On the other hand, the probation officer's worksheet set the base offense level at 32 evidently reasoning that she should take the high end of my previous determination that the weight involved was between 150 grams and 500 grams; that is, she would find that the base offense level exceeds 280 but not more than 500 grams. I will follow the stipulation of counsel in this case out of deference to the experienced lawyers who signed the stipulation. However, in future cases where a similar issue arises counsel should provide a principled and detailed explanation for settling on a particular weight range. Filing 73 is granted as provided herein.

Except as otherwise provided, all provisions of the judgment dated   **06/01/2005**   shall remain in effect.
IT IS SO ORDERED.

Order Date: **03/13/2012**   **s/ Richard G. Kopf**
                                                                          Judge's signature

Effective Date: **03/13/2012**   **Richard G. Kopf, Senior U.S. District Judge**
              (if different from order date)   *Printed name and title*